

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

**CHERI MICHELLE EDENS, and others
similarly situated,**

Plaintiff,

Civil Action No: 2:22-cv-00101

v.

Hon. Thomas E. Johnston

**CEBRIDGE ACQUISITION, LLC,
CEQUEL III COMMUNICATIONS I, LLC,
CEQUEL III COMMUNICATIONS II, LLC,
& ALTICE USA,**

Defendants.

DEFENDANTS' MOTION TO COMPEL ARBITRATION AND TO STAY LITIGATION

Defendants Cebriage Acquisition, LLC, Cequel III Communications I, LLC, Cequel III Communications II, LLC, and Altice USA, Inc. (collectively, "Defendants") submit this *Motion to Compel Arbitration and to Stay Litigation* pursuant to Section 3 of the Federal Arbitration Act, 9 U.S.C. § 3, and Rule 12(b)(1) of the Federal Rules of Civil Procedure.¹ This Court should compel arbitration of Plaintiff Edens's claims as the Federal Arbitration Act requires enforcement of Edens's arbitration agreements and to stay the litigation pending the outcome of arbitration.

Wherefore, for the foregoing reasons, and for the reasons more fully set forth in the *Memorandum of Law* incorporated herein and filed contemporaneously herewith, as well as the exhibits² attached hereto, this Court should compel the arbitration of Edens's claims and stay the

¹ Edens's claims should be compelled to arbitration under the FAA and these actions should be stayed pending the outcome of arbitration pursuant to 9 U.S.C. § 3. Importantly, this Court treats such motions as factual attacks on the Court's jurisdiction to adjudicate the merits of the underlying claims, and therefore Defendants appropriately seek their requested relief under Rule 12(b)(1) of the Federal Rules of Civil Procedure. *U.S. ex rel. TBI Invs., Inc. v. BrooAlexa, LLC*, 119 F. Supp. 3d 512, 523 (S.D. W. Va. 2015).

² The Court may consider the exhibits attached to this Motion under the FAA and Rule 12(b)(1) without converting this Motion into a motion for summary judgment. *Richmond, Fredericksburg & Potomac R. Co. v. United States*, 945 F.2d 765, 768 (4th Cir. 1991) ("In determining whether jurisdiction exists, the district

pending the outcome of arbitration, and award such other relief as the Court deems appropriate and just.

**CEBRIDGE ACQUISITION, LLC, CEQUEL
III COMMUNICATIONS I, LLC, CEQUEL III
COMMUNICATIONS II, LLC, & ALTICE
USA, INC.**

/s/ Randall L. Saunders

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Counsel for Defendants

court is to regard the pleadings' allegations as mere evidence on the issue, and may consider evidence outside the pleadings without converting the proceeding to one for summary judgment.”).

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CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that on the 4th day of December, 2023, the foregoing “*Defendant’s Motion to Compel Arbitration and to Stay Litigation*” was filed with the court through the Court’s CM/ECF system, which will automatically send notification to the following:

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/s/ Randall L. Saunders